

Vinson&Elkins

Margaret Sampson msampson@velaw.com
 Tel 512.542.8569 Fax 512.236.3264

September 12, 2006

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 12, 2006

Date



Margaret J. Sampson

MAIL STOP PCT**ATTN: OFFICE OF PCT LEGAL ADMINISTRATION**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

RECEIVED
22 SEP 2006
International Division
Legal Staff Division

Re: U. S. National Phase Patent Application Serial No. 10/533,208 based on PCT/US03/34207 entitled "Array Oligomers Synthesis and Use" by Xiaolian Gao, et al. (Our Ref: INV850/4-011US/55006)

Dear Sirs:

Enclosed for filing in connection with the above-referenced patent application are the following documents:

1. Renewed Petition Under 37 CFR 1.47(a);
2. Declaration of Bobbie Melder;
3. Copy of Decision dated July 12, 2006; and
4. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard upon receipt.

No fees are believed due at this time. If there are any necessary fees related to the enclosed documents, the Commissioner is authorized to appropriately deduct the requisite amount from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/INV850/4-011US/55006.

Respectfully submitted,



Margaret J. Sampson

1864:3058

Enclosures

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Xiaolian Gao, *et al.*

Serial No.: 10/533,208

Filed: April 28, 2005

Priority Date: October 28, 2003

For: ARRAY OLIGOMERS SYNTHESIS AND
USE

Group Art Unit: To be assigned

Examiner: To be assigned

Atty. Dkt. No.: INV850/4-011US/55006

Confirmation No. 9106

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P. O. Box 1450, Alexandria, VA 22313-1450 on the date below:

September 12, 2006
Date


Margaret J. Sampson

RENEWED PETITION UNDER 37 CFR 1.47(a)

MAIL STOP PCT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ATTN: OFFICE OF PCT LEGAL ADMINISTRATION

This paper is submitted in response to a Decision dated July 12, 2006, for which the statutory period for response is September 12, 2006. No fees are believed to be due with the filing of this paper. Should any other fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/INV850/4-011US/55006.

In response to the Decision, there are enclosed herewith:

(a) With regard to Item (2) set forth in the Decision, the following documentation is included to support efforts to obtain the address or contact information for Inventor Cai:

- (i) Letter to Inventor Gao dated March 2, 2006 (sent via email), forwarding declaration for signature and requesting addresses for Inventors Zhang and Cai;
- (ii) Email from Inventor Gao dated March 2, 2006, forwarding email address for Inventor Zhang, with a statement that Inventor Zhang "might be able to give you Dr. Cai's address."
- (iii) Letter to Inventor Zhang dated March 3, 2006 (sent via email), forwarding declaration for signature and requesting address for Inventor Cai;
- (iv) Letter to Inventor Cai dated March 10, 2006, forwarded to last known address as provided by client (sent certified mail – no return receipt received from Inventor Cai). A copy of the returned envelope is also attached indicating the last known address for Inventor Cai.

In response to Item (2), we believe that the above evidence supports a diligent effort on our part to obtain a signed declaration from Inventor Cai by sending to Inventor Cai's last known address, and by contacting several other inventors to determine if they knew Inventor Cai's current address. In addition, also enclosed is the Declaration of Bobbie Melder verifying efforts to locate a current address for Inventor Cai via telephone and Internet searches.

(b) With regard to Item (4), documentation to support efforts to obtain an updated mailing address for Inventor You are shown below:

- (i) Email dated December 2, 2003, listing Inventor You's fax number in China;
- (ii) Facsimile coverpage to Inventor You dated December 19, 2003 (error – correct date is December 18, 2003);
- (iii) Email from Inventor You dated December 18, 2003, confirming correct fax number in China;
- (iv) Email from Inventor You's colleague (Inventor Zhou) dated December 19, 2003, forwarding Inventor You's email address;
- (v) Email to Inventor You dated December 19, 2003, forwarding documents for signature as facsimile dated December 18, 2003 was undeliverable;
- (vi) Email to Inventor You dated January 13, 2004, requesting return of executed documents forwarded December 19, 2003;
- (vii) Email to Inventor You dated February 4, 2004, requesting return of executed documents by February 6, 2004, for filing with USPTO, as well as Inventor Cai's current address in China;
- (viii) Email delivery notification dated February 4, 2004, confirming receipt of email to Inventor You dated February 4, 2004;
- (ix) Affidavit of Nonsigning Inventor dated February 12, 2004, filed with USPTO because Inventor You did not forward the executed documents by the stated deadline;
- (x) Correspondence to USPTO dated June 23, 2004 forwarding executed General Appointment of Agent and Assignment documents for filing with USPTO as executed by Inventor You. These documents were received in our office without any

cover letter from Inventor You, and immediately were forwarded to the USPTO to be placed on file. We have had no further contact with Inventor You.

In response to Item (4), we have requested an updated mailing address for Inventor You from Inventor You himself, but have only received a fax number in China and an email address. The last known address for Inventor You is Xeotron Corporation, 8275 El Rio, Suite 130, Houston, TX 77054. Xeotron Corporation is no longer in business. Our last contact with Inventor You indicated that he was in China. We have only been in contact with Inventor You in China via facsimile and email.

III. CONCLUSION

Applicants believe that a full and complete reply has been made to the Decision dated July 12, 2006, and, as such, the present application is in condition for allowance. Prompt and favorable consideration of this Renewed Petition is respectfully requested.

Respectfully submitted,



Margaret J. Sampson
Reg. No. 47,052
Attorney for Applicant

Vinson & Elkins L.L.P.
First City Tower
1001 Fannin St., Suite 2300
Houston, Texas 77002-6760
512.542.8569
Date: September 12, 2006

Austin 740005v.1

Margaret Sampson msampson@velaw.com
Tel 512.542.8569 Fax 512.236.3264

COPY

March 2, 2006

Via Electronic Mail (xgao@mail.uh.edu)
Confirmation copy via U.S. mail

Dr. Xiaolian Gao
Department of Biology and Biochemistry
349 Science & Research
University of Houston
Houston, TX 77004-5001

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Dr. Gao:

I left you a voicemail earlier today about the above-identified U.S. patent application for which we need additional signed documentation from both you and Joe. As you recall, on October 28, 2003 we filed a PCT application entitled "Array Oligomer Synthesis and Use," i.e., International Application No. PCT/US2003/034207. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is enclosed herein. The application is jointly owned by the University of Houston and Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you and the other four inventors, including Joe. The Declaration, which is also enclosed herein, requires that you and Joe each review and understand the specification and claims. After you each review the application, please sign, date, and fill in your residential address (where indicated) on the attached Declaration and return to my office as soon as possible, via facsimile (512.236.3264). We would appreciate it if you would then place the original signed document in the mail and send it to us at:

Margaret J. Sampson
Vinson & Elkins L.L.P.
2801 Via Fortuna
Suite 100
Austin, TX 78746

We are also trying to locate two of the other inventors, Shi-Ying Cai and Xiaolin Zhang. If you have a residence address, email address, or telephone number for either of these two inventors we would greatly appreciate your providing it to us. Again, we need this information to help maintain this application and protect the interests of the University of Houston.

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,



Margaret J. Sampson

MJS:cfp

Enclosures

cc: Anton J. Bokal (w/o encls.-via email)
Invitrogen Docketing Dept. (w/o encls.-via e-mail)
John Warren - University of Houston (w/o encls.)
Marya Breig, Docket Coordinator (w/o encls.)

680377_1.DOC

Porter, Carol

Exhibit Aii

From: Xiaolian Gao [xgao@atactictech.com]
Sent: Thursday, March 02, 2006 8:29 PM
To: Porter, Carol
Cc: xgao@uh.edu
Subject: RE: U.S. Patent Application SN 10/533,208

COPY

Carol,

I am traveling China and will be return in mid-March. Dr. Xiaolin Zhang's email is xzhang@atactictech.com and he might be able to give you Dr. Cai's address.

Any office actions have been received for this patent filing?

Thanks,

Xiaolian Gao, Ph. D.
Professor of Biology and Biochemistry, Chemistry,
and Biomedical Engineering
Department of Biology and Biochemistry
Rm: 369-SR2
University of Houston
Houston, TX 77004-5001

Office: 53-SR1
T: 713 743-2805
F: 713 743-2636
E: xgao@uh.edu
URL: gaolab.chem.uh.edu

-----Original Message-----

From: Porter, Carol [mailto:cporter@velaw.com]
Sent: Thursday, March 02, 2006 6:19 PM
To: Xiaolian.Gao@mail.uh.edu
Subject: U.S. Patent Application SN 10/533,208

Please see Margaret Sampson's letter of today's date and attachments.
Carol F. Porter
Executive Legal Secretary
Vinson & Elkins LLP
2801 Via Fortuna, Suite 100
Austin, TX 78746-7568
Tel 512.542.8516
Fax 512.236.3264
cporter@velaw.com

To the extent this communication contains any statement regarding federal taxes, that statement was not written or intended to be used, and it cannot be used, by any person (i) as a basis for avoiding federal tax penalties that may be imposed on that person, or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

.....CONFIDENTIALITY NOTICE.....

Vinson&Elkins

Margaret Sampson msampson@velaw.com
Tel 512.542.8569 Fax 512.236.3264

COPY

March 3, 2006

Via Electronic Mail
(xzhang@atactictech.com)

Xiaolin Zhang

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Dr. Zhang:

On October 28, 2003, we filed a PCT application entitled "Array Oligomer Synthesis and Use," *i.e.*, International Application No. PCT/US2003/034207, which lists you as one of five inventors. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is attached to this correspondence. The application is jointly owned by the University of Houston and Invitrogen Corporation, since Xeotron Corporation assigned its interest in the application to Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you. The Declaration (also attached to this correspondence) requires that you review and understand the specification and claims. After you review the application, please sign, date, and fill in your residential address (where indicated) on the Declaration and return it to my office as soon as possible, via facsimile (512.236.3264). We would greatly appreciate it if you would then place the original signed document in the mail and send it to us at:

Margaret J. Sampson
Vinson & Elkins, LLP
2801 Via Fortuna
Suite 100
Austin, Texas, 78746, USA

Please return the original Declaration to us via Federal Express and bill our account. Our Federal Express account number is 102627563 and the "Billing Reference Number" is INV850/55006.

We are also trying to locate one of the other inventors, Shi-Ying Cai. If you have a residence address, email address, or telephone number for Shi-Ying Cai, we would greatly appreciate your providing it to us.

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,



Margaret J. Sampson

MJS:cfp
Enclosures
680798_1.DOC

Vinson&Elkins

Margaret Sampson msampson@velaw.com
 Tel 512.542.8569 Fax 512.236.3264

March 10, 2006

**Via CM, RRR
 No. 7000 1530 0005 0915 8198**

COPY

Shi-Ying Cai
 8282 Cambridge
 Apt. 306
 Houston, TX 77054

Re: U. S. Patent Application Serial No. 10/533,208 entitled "Array Oligomer Synthesis and Use" by Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang (Our Ref: INV850/4-011US/55006)

Dear Shi-Ying:

On October 28, 2003, we filed a PCT application entitled "Array Oligomer Synthesis and Use," i.e., International Application No. PCT/US2003/034207, which lists you as one of five inventors. This application published on May 13, 2004, as WO 2004/039953 A3.

On April 28, 2005, the application was filed as a national U.S. application (U.S. Serial No. 10/533,208), which is attached to this correspondence. The application is jointly owned by the University of Houston and Invitrogen Corporation, since Xeotron Corporation assigned its interest in the application to Invitrogen Corporation. In order to meet all requirements for maintaining this application, we need a signed declaration from you. The Declaration (also attached to this correspondence) requires that you review and understand the specification and claims. After you review the application, please sign, date, and fill in your residential address (where indicated) on the Declaration and return it to my office as soon as possible, via facsimile (512.236.3264). We would greatly appreciate it if you would then return the original signed document via Federal Express and bill our account. Our Federal Express account number is 102627563 and the "Billing Reference Number" is INV850/55006. Please return the original signed document to:

Margaret J. Sampson
 Vinson & Elkins, LLP
 2801 Via Fortuna
 Suite 100
 Austin, Texas, 78746, USA

Please do not hesitate to contact me if you have any questions concerning this matter.

Very truly yours,



Margaret J. Sampson

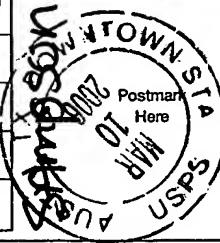
MJS:cfp
Enclosures
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8195	Postage	\$ 4.00
0915	Certified Fee	0.40
0005	Return Receipt Fee (Endorsement Required)	1.85
0005	Restricted Delivery Fee (Endorsement Required)	
1530	Total Postage & Fees	\$
7000	Sent To Shi-feng Cai Street, Apt. No. PO Box No. 8282 Cambridge # 306 City, State, ZIP 4 Houston TX 77054	

PS Form 3800, May 2000

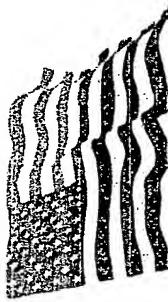
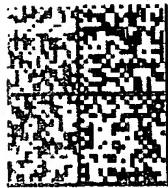


See Reverse for Instructions

V&E
Vinson & Elkins LLP

ATTORNEYS AT LAW
THE TERRACE 7
2801 VIA FORTUNA, SUITE 100
AUSTIN, TEXAS 78746-7568

7000 1530 0005 0915 8198



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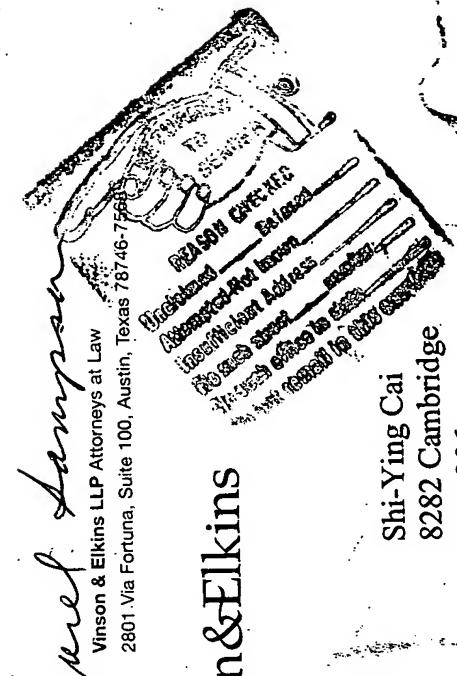
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33-28-06/ln

Margaret Thompson

Vinson & Elkins LLP Attorneys at Law

2801 Via Fortuna, Suite 100, Austin, Texas 78746-7568

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UNITED STATES POSTAL SERVICE™



Vinson & Elkins

Shi-Ying Cai
8282 Cambridge
Apt. 306
Houston, TX 77054

Melder, Bobbie

From: Sampson, Margaret
Sent: Tuesday, December 02, 2003 11:50 AM
To: Melder, Bobbie
Subject: FW: Qimin You contact number

COPY

-----Original Message-----

From: Nancy Parks [mailto:nparks@xeotron.com]
Sent: Tuesday, December 02, 2003 11:25 AM
To: Sampson, Margaret
Subject: Qimin You contact number

Margaret,

Below is the fax number for Qimin that I received today.

Nancy

-----Original Message-----

From: Xiaochuan Zhou [mailto:xczhou@atactictech.com]
Sent: Tuesday, December 02, 2003 11:20 AM
To: Nancy Parks
Cc: Qimin You
Subject:

Nancy,

Qimin's fax number is 01186-571-5680-5884. ➤

You must write your cover page in Chinese. Ha! I was kidding. English is okay.

Joe

Xiaochuan (Joe) Zhou

COPY

VINSON & ELKINS L.L.P.
THE TERRACE 7
2801 VIA FORTUNA, SUITE 100
AUSTIN, TEXAS 78746
TELEPHONE (512) 542-8400
FAX (512) 542-8612
www.velaw.com

Margaret J. Sampson
Direct Dial (512) 542-8569
Direct Fax (512) 236-3264
msampson@velaw.com

FACSIMILE TRANSMITTAL PAGE

DATE: December 19, 2003

TO: Qimin You FAX: 01186-571-5680-5884

COMPANY: Xeotron Corporation PHONE:

PAGES: (including this transmittal page) CLIENT/MATTER:

XEO100/4-006WO/58005

FROM: Margaret J. Sampson

MESSAGE: Re: International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use"

Dr. Yu:

Attached please find General Appointment of Agent and Assignment forms for the above-referenced patent application.

Please complete the General Appointment of Agent form by filling in your location when signing the document (city and country), as well as printing your name and title below your signature.

Please complete the Assignment by signing and dating the form. Please note an official certification of the signature is required by the U.S. Patent Office. Please obtain a notary stamp or Chinese equivalent when you execute the Assignment. You may have to go to the U.S. Embassy to obtain this official certification.

Please return the completed documents to my office as soon as possible for filing with the United States Patent and Trademark Office. You may return the completed documents via fax to the above number, and return the originals via airmail.

Please contact me at 512/542-8569 or msampson@velaw.com if you have any questions regarding the attached documents. Thank you for your assistance.

Hard Copy Follows: Yes No

CONFIDENTIALITY NOTICE:

The information contained in this FAX may be confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

Melder, Bobbie

From: Qimin You [qiminyou2000@yahoo.com]
Sent: Thursday, December 18, 2003 10:41 PM
To: Melder, Bobbie
Subject: Fax number in China

COPY

Dear Barbara,
Joe told me that you have some trouble sending fax (Xeotron invention disclosure signature page) to me. The number you have is correct (01186-571-5680-5884). Sometimes people may try to answer the phone/fax. I don't know whether or not that was the problem. Please try again, or let Joe fax the page to me (he can talk to whoever answering the phone).

Sorry for the inconvenience.

Have a great holiday season!

Qimin You

Do you Yahoo!?
New Yahoo! Photos - easier uploading and sharing.
<http://photos.yahoo.com/>

Melder, Bobbie

From: Xiaochuan Zhou [xczhou@atactictech.com]
Sent: Friday, December 19, 2003 2:16 PM
To: Melder, Bobbie
Subject: RE: Fax Number for Dr. Qimin You

COPY

Bobbie,

Dr. Qimin You's email is qiminyou2000@yahoo.com.

Good luck.

Joe

-----Original Message-----

From: Melder, Bobbie [mailto:bmelder@velaw.com]
Sent: Thursday, December 18, 2003 3:19 PM
To: xczhou@atactictech.com
Subject: FW: Fax Number for Dr. Qimin You
Importance: High

Sent on behalf of Margaret Sampson:

Dr. Zhou, if you could obtain an e-mail address for Dr. You, that would be very helpful. We could then just e-mail the documents to him for his signature. Thank you for your assistance.

-----Original Message-----

From: Melder, Bobbie
Sent: Thursday, December 18, 2003 1:00 PM
To: ['xczhou@atactictech.com'](mailto:xczhou@atactictech.com)
Cc: Sampson, Margaret
Subject: Fax Number for Dr. Qimin You

Per our discussion on December 16, 2003, I still am unable to forward documents to Dr. You via fax. Could you please forward an e-mail to Dr. You requesting his current mailing address and/or an additional fax number? I need to forward documents for his signature which must be filed with the United States Patent and Trademark Office.

Thank you so much for your assistance.

-CONFIDENTIALITY NOTICE.....

The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

Thank You.

Melder, Bobbie

From: Melder, Bobbie
Sent: Friday, December 19, 2003 3:06 PM
To: 'qiminyou2000@yahoo.com'
Subject: Xeotron Application - Documents for Signature
Importance: High

COPY

Sent on behalf of Margaret Sampson:

Re: International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use"

Dr. You,

Attached please find General Appointment of Agent and Assignment forms for the above-referenced patent application.

Please complete the General Appointment of Agent form by filling in your location when signing the document (city and country), as well as printing your name and title below your signature.

Please complete the Assignment by signing and dating the form. Please note an official certification of the signature is required by the U.S. Patent Office. Please obtain a notary stamp or Chinese equivalent when you execute the Assignment. You may have to go to the U.S. Embassy to obtain this official certification.

Please return the completed documents to my office as soon as possible for filing with the United States Patent and Trademark Office. You may return the completed documents via fax to the above number, and return the originals via airmail.

Please contact me at 512/542-8569 or msampson@velaw.com if you have any questions regarding the attached documents. Thank you for your assistance.

Melder, Bobbie

From: Melder, Bobbie
Sent: Tuesday, January 13, 2004 1:30 PM
To: 'qiminyou2000@yahoo.com'
Subject: PCT/US03/34207 Documents for signature
Importance: High

COPY

Sent on behalf of Margaret Sampson:

Re: International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use"

Dr. You:

On December 19, 2003, we forwarded an Assignment and a General Appointment of Agent for your signature. We are simply following up with you to confirm receipt of the documents, and to see if you have any questions.

Please contact Margaret Sampson (512/542-8569) with any questions. We look forward to receiving the executed documents as soon as possible. Thank you.

Melder, Bobbie

From: Melder, Bobbie
Sent: Wednesday, February 04, 2004 12:32 PM
To: 'qiminyou2000@yahoo.com'
Subject: URGENT - PLEASE RESPOND BY FEBRUARY 6, 2004
Importance: High
Follow Up Flag: Follow up
Due By: Friday, February 06, 2004 5:00 PM
Flag Status: Flagged

COPY

Sent on behalf of Margaret Sampson:

Re: PCT/US03/34207 entitled "Array Oligomer Synthesis and Use"

On December 19, 2003, we forwarded an Assignment and General Appointment of Agent for your signature regarding the referenced patent application. On January 13, 2004, we forwarded an additional request for the executed documents.

We must file these documents by February 10, 2004 with the USPTO. I have attached the necessary documents to this e-mail. Please print, execute and return via fax by February 6, 2004. Please note that the Assignment requires a notary stamp for your signature.

We are also in need of your current address in China. Please forward your address along with the executed documents.

If you have any questions regarding these documents, please contact me immediately so that we may discuss. Thank you for your assistance.

Bobbie Melder
Docket Specialist

From: Mail-System@velaw.com
Sent: Wednesday, February 04, 2004 11:33 AM
To: Melder, Bobbie
Subject: Delivery Notification - Message successfully relayed.



ATT708644.txt



ATT708645.txt

COPY

The following recipients have been successfully relayed.
<qiminyou2000@yahoo.com>

.....CONFIDENTIALITY NOTICE.....

The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

Thank You.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gao, et al.

Serial No.: PCT/US03/34207

Filed: October 28, 2003

For: ARRAY OLIGOMER SYNTHESIS AND
USE

COPY

Atty. Dkt. No: XEO100/4-006WO/58005

CERTIFICATE OF EXPRESS MAILING	
NUMBER:	EV253711073US
DATE:	February 12, 2004

This paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

AFFIDAVIT FOR NONSIGNING INVENTOR UNDER CFR §1.47

MAIL STOP PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The inventors of the captioned application are Xiaolian Gao, Xiaochuan Zhou, Shi-Ying Cai, Qimin You, and Xiaolin Zhang. The application has been jointly assigned to Xeotron Corporation and The University of Houston of Houston, Texas. One of the named inventors, Qimin You, has not responded to our requests for a current address nor has he executed and returned the required documents for filing with the United States Patent and Trademark Office. Dr. You relocated to China in November 2003, but did not leave a forwarding address with his former employer. We have been in contact with his former employer, a co-inventor, and Dr. You via e-mail on three different occasions, but have been unable to secure the required documents

and current mailing address [REDACTED]. You confirmed his telefax number (713-865-571-5680-5884) via e-mail on December 18, 2003, but has neglected to contact us or return the executed documents along with his current mailing address.

We therefore request that this application be accepted without the current address and signature of one inventor, Qimin You.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from Vinson & Elkins L.L.P. Deposit Account No. 22-0365/XEO100/4-006WO/58005.

Respectfully submitted,



Margaret J. Sampson
Reg. No. 47,052
Attorney for Applicant

Vinson & Elkins L.L.P.
2300 First City Tower
1001 Fannin Street
Houston, Texas 77002-6760
512/542-8569

Date: February 12, 2004

425149_1.DOC

XEO100/4-6WO

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ACKNOWLEDGES RECEIPT OF THE FOLLOWING

Applicant: Gao, et al. DT20 Rec'd PCT/PTO 12 FEB 2004

Serial No.: PCT/US03/34207

Filing Date: October 28, 2003

Docket No.: XEO100/4-006WO/58005

Entitled: ARRAY OLIGOMER SYNTHESIS AND USE

Date Mailed: February 12, 2004

RECEIVED

FEB 13 2004

IP DOCKET OFFICE
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Enclosures:

- 1) Transmittal letter (1 sheet)
- 2) Response to Invitation to Correct Defects mailed 1/12/04 (2 sheets);
- 3) General Appointments of Agent (5 sheets);
- 2) Affidavit for Nonsigning Inventor (2 sheets);
- 3) Formal Drawings (30 drawings on 29 sheets)
- 4) Postcard

Express Mail Label No. EV 253711073US

Exhibit Bx
USPTO letter re
General Appointment of Agent

Vinson&Elkins
ATTORNEYS AT LAW

VINSON & ELKINS L.L.P.
2300 FIRST CITY TOWER
1001 FANNIN STREET
HOUSTON, TEXAS 77002-6760
TELEPHONE (713) 758-2222
FAX (713) 758-2346
www.velaw.com

COPY

Margaret J. Sampson
Direct Dial (512) 542-8569
Direct Fax (512) 236-3264
msampson@velaw.com

June 23, 2004

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450:

June 23, 2004
Date


Margaret J. Sampson

MAIL STOP PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use" – Xiaolian Gao, et. al.
(Atty. Dkt. No.: XE0100/4-006WO/58005)

Dear Sirs:

Enclosed for filing in the above-referenced patent application is:

1. General Appointment of Agent for Qimin You;
2. Figures 1-30 (29 sheets);
3. Copy of Notice requesting new drawings dated 6/9/04; and
4. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard.

We had previously filed an Affidavit for Nonsigning Inventor on February 12, 2004 on behalf of Dr. You. Dr. You has now joined the prosecution of this application, and we request that the enclosed General Appointment of Agent be placed on file for the referenced application.

With regard to the enclosed drawings, there were no specific figures indicated for revisions. Therefore, we attempted to remove any additional shading throughout the figures in an effort to satisfy the filing requirements. If the enclosed Figures do not satisfy the filing requirements, please contact me, and we will be happy to further revise the Figures as requested.

Mail Stop PCT
Page 2
June 23, 2004

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/XEO100/4-006WO/58005.

Respectfully submitted,



Margaret J. Sampson
Reg. No. 47,052

1864:3058
Enclosures

PATENT COOPERATION TREATY

General Appointment of Agent

The undersigned Applicant hereby appoints:

Steven R. Borgman (Reg. No. 33,160); Avelyn Ross Broughton (Reg. No. 51,174); W. Scott Brown (Reg. No. 32,968); Brian K. Buss (Reg. No. 42,375); Timothy S. Corder (Reg. No. 38,414); Chris N. Cravey (Reg. No. 47,506); Tracey B. Davies (Reg. No. 44,644); Barry E. Engel (Reg. No. 37,127); Adam V. Floyd (Reg. No. 39,192); Randy C. Furlong (Reg. No. 35,144); Stephen M. Hash (Reg. No. 45,490); Stephen S. Hodgson (Reg. No. 41,075); William L. LaFuze (Reg. No. 27,205); Gerald D. Malpass, Jr. (Reg. No. 40,079); J. Clark Martin (Reg. No. 26,198); Douglas W. McClellan (Reg. No. 41,183); Peter E. Mims (Reg. No. 32,429); Michelle M. Muller (Reg. No. 42,913); Minh-Hien Nguyen (Reg. No. 37,294); Ronald W. Robins (Reg. No. 26,222); Margaret J. Sampson (Reg. No. 47,052); W. Willem G. Schuurman (Reg. No. 29,998); Michael J. Smith (Reg. No. 51,381); Nicole W. Stafford (Reg. No. 43,929); David B. Weaver (Reg. No. 43,244); Karen Tucker White (Reg. No. 34,267); Christopher Ryan (Reg. No. 54,759); Cindy Y. Lee (Reg. No. 54,258); Matthew R. Rodgers (Reg. No. 50,564); and David K. Wooten (Reg. No. 52,375), each a member, an associate or an employee of the firm of VINSON & ELKINS L.L.P., for so long as they remain with such firm, as attorney or agent, to act on Applicant's behalf before the competent International Authorities in connection with the international application concerning the invention entitled

ARRAY OLIGOMER SYNTHESIS AND USE

filed with the United States Receiving Office by Applicant and to receive payments on Applicant's behalf.

Please direct all communications as follows:

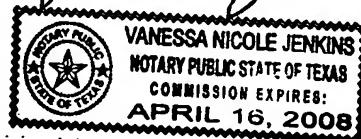
Margaret J. Sampson
Reg. No. 47,062
VINSON & ELKINS L.L.P.
2300 First City Tower
1001 Fannin Street
Houston, Texas 77002-6760
United States of America
(512) 542-8569

Place: Wells Fargo Bank

Date: 6-3-04

APPLICANT/INVENTOR: QIMIN YOU

BY: Qimin You
NAME: QIMIN YOU
TITLE: Sr. Scientist



Vanessa Jenkins

INV850/4-11 WO

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Applicant: Gao, et al.
Serial No.: PCT/US03/34207
Filing Date: October 28, 2003
Docket No.: XEO100/4-006WO/58005
Entitled: ARRAY OLIGOMER SYNTHESIS AND USE
Date Mailed: June 23, 2004

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Enclosures: 1) Transmittal letter (1 sheet);
2) General Appointment of Agent (1 sheet);
3) Figures 1-30 (29 sheets);
4) Copy of Notice requesting new drawings (1 sheet);
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DT02 Rec'd PCT/PTO 28 JUN 2004

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Margaret J. Sampson
Direct Dial 512/542-8569
Direct Fax 512/236-3264
msampson@velaw.com

June 23, 2004

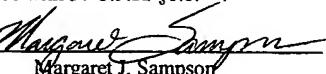
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I certify that this correspondence is being transmitted on June 23, 2004, by facsimile to the Patent and Trademark Office in accordance with 37 C.F.R. §1.8.

June 23, 2004
Date


Margaret J. Sampson

Re: International Patent Application No. PCT/US03/34207 entitled "Array Oligomer Synthesis and Use" – Xiaolian Gao, et. al.
(Atty. Dkt. No.: XE0100/4-006WO/58005)

Dear Sirs:

Enclosed please find the following document for filing with the above-referenced patent application:

- 1) Recordation Cover Sheet and Assignment on behalf of Xeotron Corporation of Houston, Texas.

The Commissioner is hereby authorized to deduct \$40.00 for the recordation fee for the enclosed assignment from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/XEO100/4-006WO/58005. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.18 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct or credit said fees from or to referenced deposit account.

Respectfully submitted,



Margaret J. Sampson
Reg. No. 47,052

1864:3058:500702

Enclosures

RECORDATION FORM COVER SHEET

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Qimin You

2. Name and address of receiving party(ies):

Name: Xeotron Corporation

Internal Address: _____

Additional names(s) of conveying party(ies) Yes No

3. Nature of conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other _____	

Execution Date: June 3, 2004Street Address: 8275 El Rio, Suite 130City: Houston State: TX ZIP: 77054Additional name(s) & address(es) attached? Yes No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

PCT/US03/34207

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Margaret J. SampsonInternal Address: Vinson & Elkins L.L.P.Street Address: 2300 First City Tower1001 Fannin StreetCity: Houston State: TX ZIP: 770026. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):\$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Margaret J. Sampson

Name of Person Signing

Margaret J. Sampson

Signature

June 23, 2004

3

Date

Total number of pages including cover sheet, attachments, and document:

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Xeotron Corporation (the "Assignee"), having a place of business at 8275 El Rio, Suite 130, Houston, Texas 77054, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent Serial No. 60/421,942 filed on October 28, 2002, and is entitled ARRAY OLIGOMER SYNTHESIS AND USE, such application and all divisional, continuing, continuation-in-part, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT that, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, continuation-in-part, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof, and generally do everything possible which the Assignee shall consider desirable for securing, maintaining and enforcing proper patent protection for such improvements and for vesting title to such improvements in the Assignee;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature) _____ Date: _____
Name: Xiaolian Gao

BEFORE ME, the undersigned authority, on this _____ day of _____, 2003, personally appeared Xiaolian Gao known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that she executed the same of her own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

(Signature) _____ Date: _____
Name: Xiaochuan Zhou

BEFORE ME, the undersigned authority, on this _____ day of _____, 2003, personally appeared Xiaochuan Zhou known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that she executed the same of her own free will for the purposes and consideration therein expressed.

[SEAL] Notary or Consular Officer

(Signature) _____ Date: _____
Name: Shi-Ying Cai

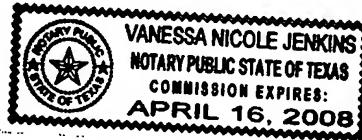
BEFORE ME, the undersigned authority, on this 3rd day of June, 2003, personally appeared Shi-Ying Cai known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that she executed the same of her own free will for the purposes and consideration therein expressed.

[SEAL] Notary or Consular Officer

(Signature) Yu Date: 06-03-04
Name: Qimin You

BEFORE ME, the undersigned authority, on this 3rd day of June, 2003, personally appeared Qimin Yu known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same of his own free will for the purposes and consideration therein expressed.

[SEAL]



Jessica A. Green
Notary or Consular Officer

(Signature) _____ Date: _____
Name: Xiaolin Zhang

BEFORE ME, the undersigned authority, on this _____ day of _____, 2003, personally appeared Xiaolin Zhang known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same of his own free will for the purposes and consideration therein expressed.

[SEAL] Notary or Consular Officer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Xiaolian Gao, et al.

Serial No.: 10/533,208

Filed: April 28, 2005

For: ARRAY OLIGOMERS SYNTHESIS AND
USE

Group Art Unit: TBA

Examiner: TBA

Atty. Dkt. No.: INV850/4-11US

Confirmation No.: 9106

CERTIFICATE OF MAILING

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450:

September 12, 2006

Date


Margaret Sampson

DECLARATION OF BOBBIE MELDER

MAIL STOP PCT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

ATTN: OFFICE OF PCT LEGAL ADMINISTRATION

I, BOBBIE MELDER, HEREBY DECLARE AS FOLLOWS:

1. I am the Docket Coordinator for Vinson & Elkins L.L.P. in the Austin office.
2. I made a diligent effort to obtain a signed declaration from Inventor Cai by 1) forwarding the document to his last known address in Houston, Texas, 2) by performing a search of residential telephone pages in the Houston, Texas area (see Exhibit "A"), and 3) by performing an Internet search using Yahoo.com dated March 22, 2006 (see Exhibit "B").

3. All statements made in this Declaration of my own knowledge are true and all statements made in this Declaration on information and belief are believed to be true, and these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and may jeopardize the validity of this application of any patent issuing thereon.

September 12, 2006
Date


Bobbie Melder
IPTL Docket Coordinator

Austin 742135v.1

ANSWER

from the desk of
BOBBIE S. MELDER

4-9 Xiaolian Gao (xiaolian.gao@mail.uh.edu)
4-8
4-13
4-13 900
4-13 900
2212-5 Bellefontaine
77030

48 Xiaoquan Zhou
48 (50e) 2212-B Bellfontaine
414 77030-4322
412000
4100
4100

Shi - Ying Cai
8282 Cambridge, Apt. 306
Houston 77054
Ying Cai 713-776-9850
Disconnected

Houston 4-1854
2/04
Qimin Yu - qimin.you2000@yahoo.com
fax: 01865715680 5884

Xiaolin Zhang
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Exhibit A

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Xiaomin Cai	More Information Background Check	8511 Clarewood Dr Houston, TX Add to Address Book, Map	(713) 995-0567
Y Cai	More Information Background Check	10940 Meadowglen Ln Houston, TX Add to Address Book, Map	(713) 266-5070
Ying Cai	More Information Background Check	Houston, TX Add to Address Book, Map	(713) 776-9850
Yuzheng Cai	More Information Background Check	9542 Kelsey Meadows Ct Houston, TX Add to Address Book, Map	(713) 983-7289
Zhixiong Cai	More Information Background Check	12707 Boheme Dr Houston, TX Add to Address Book, Map	(713) 932-0980
Zhixiong Cai	More Information Background Check	12707 Boheme Dr Houston, TX Add to Address Book, Map	(713) 932-6105
Zong-jin Cai	More Information Background Check	7655 S Braeswood Blvd Houston, TX Add to Address Book, Map	(713) 779-7809

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[find.intelius.com](http://www.intelius.com)

* No address for Shi-Ying or S. Cai

Exhibit B

E-mail for Y. Cai

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<u>?p?y Cai</u>	More Information Background Check	Add to Address Book	gqet5679@yahoo.com

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★ No e-mail for Shi-Qing or S. Cai

E-mail for Ying Cai

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Address: http://email.people.yahoo.com/py/psEmailSearch.py?srch=bas&D=1&FirstName=Ying&LastName=Cai&Search=Email+Se Go Link >

Name	ADVERTISEMENT	Address	Email
Jian Ying Cai	More Information Background Check	Add to Address Book	master_cai@yahoo.com
Xia Ying Cai	More Information Background Check	Saint Paul, MN Add to Address Book	cxyshi@yahoo.com
Ying Cai	More Information Background Check	Add to Address Book	cai_ying_cn@yahoo.com.cn
Ying Cai	More Information Background Check	Add to Address Book	caitlinying@yahoo.com.cn
Ying Cai	More Information Background Check	Add to Address Book	cai-ying1201@hotmail.com
Ying Cai	More Information Background Check	Add to Address Book	caiyng1999@yahoo.com.cn
Ying Cai	More Information Background Check	Add to Address Book	caiyng2@yahoo.com.cn
Ying Cai	More Information Background Check	Add to Address Book	caiyng_1999@yahoo.com.cn

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<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	hoony2022@yahoo.com.cn	
<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	huaying226@yahoo.com.cn	
<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	icuicebaby@yahoo.com	
<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	mickey_cai2001@yahoo.com.cn	
<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	shushi99@yahoo.com	
<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	xyc_leo@yahoo.com.cn	
<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	ying_trp@yahoo.co.uk	
<u>Ying Cai</u>	More Information	Background Check	Add to Address Book	yingcai_99@yahoo.com	
<u>Ying Cai</u>	More Information				
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Add to Address Book yingjing226@yahoo.com.cn

Add to Address Book ying322@yahoo.com.hk

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12 JUL 2006

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INV850/4-1145

M. J. S.

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1001 FANNIN STREET
2300 FIRST CITY TOWER
HOUSTON, TX 77002-6760

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IP Docket Office
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In re Application of GAO et al
U.S. Application No.: 10/533,208
PCT Application No.: PCT/US03/34207
Int. Filing Date: 28 October 2003
Priority Date Claimed: 28 October 2002
Attorney Docket No.: INV850/4-11US/55006
For: ARRAY OLIGOMER SYNTHESIS AND
USE

DECISION

This is in response to applicant's "Petition Under CFR §1.47" filed 21 April 2006.

BACKGROUND

On 28 October 2003, applicant filed international application PCT/US03/34207, which claimed priority of an earlier United States application filed 28 October 2002. The thirty-month period for paying the basic national fee in the United States expired on 28 April 2005.

On 28 April 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 October 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 April 2006, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted declarations signed by the available inventors each on his/her own behalf and on behalf of the nonsigning inventors.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

* * *

Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Inventor Qimin You

The petition adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to inventor You for signature. In particular, the application papers were sent to inventor You via electronic mail on 02 March 2006. Furthermore, the petition sufficiently establishes that inventor You refuses to sign. Specifically, inventor You's failure to respond to the messages dated 02 March 2006 and 19 April 2006 evidence a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventor You refuses to join in the application.

Inventor Shi-Ying Cai

The petition does not adequately show that a diligent effort was made to locate inventor Cai. In particular, the petition includes documentary evidence of a single attempt to reach inventor Cai via postal mail. Although copies of various documents attached to the petition suggest that other attempts were made to find inventor Cai (e.g. electronic mail, internet directories, etc.), the petition does not include an affidavit explaining such attempts. The affidavit must be signed by the person with firsthand knowledge of such attempts. Furthermore, evidence of attempts to reach inventor Cai by telephone and through his/her former employer has not been furnished. Thus, it would not be reasonable to conclude at the present time that inventor Cai cannot be found.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of inventor Cai but does not state the last known address of inventor You.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely file a proper response will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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